

Planning & Development

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Mr Derek Stebbing B.A. (Hons), Dip. E.P., MRTPI
Examiner for Charing Neighbourhood Plan
Via email

Examination Ref: 01/DAS/CNP



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AshfordBoroughCouncil

13th October 2022

Dear Mr Stebbing,

CHARING NEIGHBOURHOOD PLAN EXAMINATION – CLARIFICATION QUESTIONS RESPONSE FROM ASHFORD BOROUGH COUNCIL

Following receipt of the letter dated 6th October 2022, please see below responses to the questions raised by the Examiner to Ashford Borough Council.

Question 1

Nutrient Neutrality Re. Policies C2 (Page 24), H1 (Page 66), H2 (Page 67), H3 (Page 68), H4 (Page 69), H6 (Page 71), Policy H7 (Page 72), Policy H10 (Page 74), Policy H12 (Page 75), Policy H14 (Page 78), Policy H15 (Page 78), Policy H16 (Page 79) and Sub-section 10.10.2 (Page 57)

In light of the Habitats Regulation Assessment (HRA) report (October 2021) and the update note (15 June 2022), I am clear that Policies H1, H3 and H4, and potentially also Policies H2, H6, H7, H10, H12, H14, H15 and H16, will need to reflect the advice contained in the HRA report and update note.

Section 11 of the Plan does not, at present, reflect that advice directly, and I am minded to address the issue as a new sub-section within Section 11 ahead of existing sub-section 11.7, rather than by the addition of a policy requirement similar to criterion h) in Policy C2 to each of the above-mentioned Housing Policies. In that respect, the new sub-section will need to make a suitable cross-reference to sub-section 10.10.2, or possibly include some of the material within 10.10.2.

In this regard, it will be important that such a modification and its advice/requirements is identical to that being applied by the Borough Council to the existing housing allocation sites



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within the Plan area contained in the adopted Local Plan, as listed at Table 7 (Page 58) in the Plan.

I therefore invite the **Borough Council** to consider this matter and advise me of the current advice being provided to applicants for new residential development in the Neighbourhood Plan Area, including that for the allocated sites in the Plan area in relation to the mitigation measures necessary to demonstrate nutrient neutrality regarding the Stodmarsh SAC/SPA.

ABC Response

The Stodmarsh Issue

1. Prior to answering the question directly, the Council consider that it might be helpful to provide a brief update of the Council's position to date. If the Examiner would like, the Council can provide further detail.
2. As you are aware, in July 2020, Natural England issued Advice to the Local Planning Authorities located in the Stour catchment setting out the deteriorating water quality at the Stodmarsh Lakes. This Advice, which was last updated on 16 March 2022, relates to part of the Ashford borough including the Charing Neighbourhood Plan Area.
3. The Advice affects all types of development proposals that provide overnight accommodation including new homes. In order for affected development proposals to progress through the planning system, they are required to demonstrate that they can deliver 'nutrient neutrality'.
4. The Borough Council are committed to responding to the wider Stodmarsh nutrient issue in a strategic way, and is continuing to actively pursue its own 'Stodmarsh Mitigation Strategy' as a means of providing a strategic solution within the Borough boundary, to enable the LPA to release housing schemes on sites that are not capable of delivering mitigation on site.
5. The borough mitigation strategy aims to deliver a range of nutrient mitigation solutions to allow developments which cannot deliver mitigation on-site to come forward and progress through the planning system. The core component of the strategy is the creation of strategic wetlands. The latest published timeframe for delivering the Councils strategic mitigation is set out in the timetable below. However, please note that a further update to the timetable is currently being prepared and is due to be published on 20th October 2022 ahead of the Council's October Cabinet meeting. Once the detail has been finalised and is within the public domain I shall forward you a copy for information.

Time	Steps
Spring 2022	Land acquisition
Summer 2022	Strategic wetlands planning application
Summer 2022	Consultation/Adoption of SPD to accompany Borough Mitigation Strategy
Summer/Autumn 2022	Planning permissions for affected developments to be issued/considered as appropriate
Autumn 2022 – Summer 2024	Construction of wetlands
Autumn 2024	Wetlands fully operational



Advice for Applicants

6. The advice being provided to applicants for new residential development affected by the Advice issued by Natural England is consistent across the Stour Catchment. As you are aware, the Stour catchment includes the Neighbourhood Plan Area.
7. With regard to existing allocations within the Neighbourhood Plan Area (S28, S29 and S55 of the Local Plan 2030), the Advice being given applies to any new submissions and also to existing submissions (outline and/or reserved matters) that have not yet been determined.
8. The Advice being provided is available on the Council's website via the following link: <https://www.ashford.gov.uk/nutrient-neutrality>
9. To assist, the advice is summarised below:
10. In order for affected development proposals to progress through the planning system, applicants must demonstrate that they can achieve 'nutrient neutrality' by delivering suitable mitigation, in a way which is consistent with Natural England Advice.
11. In order to demonstrate nutrient neutrality a Habitats Regulations Assessment (HRA) is required to be submitted with qualifying applications which includes applications for new housing. The HRA must include the following information:
 - Nutrient calculations undertaken in accordance with the methodology set out in the [related \(Natural England\) \(NE\) Advice \[pdf\] 964KB](#).
 - Where the calculations identify a net increase in nutrients, details of how it is intended to mitigate the impact of the additional nutrients generated.
12. Once a HRA is submitted, the Council will undertake an Appropriate Assessment to determine whether the development proposal demonstrates nutrient neutrality.
13. In order to calculate the total nutrients generated by a development, the Council advise applicants to use the public calculator prepared by Natural England.

[Download the Natural England Nutrient Budget calculator \[xlsx\] 2663KB](#)
14. To assist with using the calculator, the Council has set out average occupancy rates for specific types of developments, such as flats or hotels. The values are set out on our website and can be accessed using the link in paragraph 8.
15. Examples of types of mitigation may take the form of wetland(s), Sustainable Urban Drainage Systems (SuDs) or taking land out of agricultural land use. In addition to the information above, where necessary applicants proposing their own mitigation solution are required to provide details of the design, location and efficiency of any mitigation and how this results in the development achieving nutrient neutrality.



16. For applicants intending to mitigate by providing wetland(s), Natural England's Wetland Framework specifies the type of information that should be provided to support the planning application.

17. Applicants relying on the Council's Borough mitigation strategy are advised to submit all the information required in order to enable the Council to progress their application to the point of determination, at which point it will be held in abeyance until such time that the strategy is sufficiently progressed.

Question 7

Figure 21 (Page 68)

Figure 21 (Land next to Crofters) appears to be a copy of a plan prepared by an external party (G.W. Finn & Sons). This must be avoided, and I request that a suitable replacement site allocation plan on an Ordnance Survey base be prepared either by the Borough Council (under their licence) or by the Qualifying Body in order that I can substitute the plan as a modification.

ABC Response

18. Please find below a replacement Map for Figure 21.



19. We hope these responses are helpful. If the Examiner or Qualifying body require any clarification or further assistance, the borough council would be pleased to help.

Kind regards,

Claire Marchant

Team Leader – Plan Making and Infrastructure
Spatial Planning Team

